



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,611	05/08/2006	Junichi Kitano	290831US26PCT	3574
22850	7590	11/20/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER LE, HOA VAN	
			ART UNIT 1795	PAPER NUMBER
			NOTIFICATION DATE 11/20/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

10/578,611

Applicant(s)

KITANO ET AL.

Examiner

Hoa V. Le

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-38 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

This application is up for consideration.

A. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Lack of Unity Requirement

Claims 1-21 are drawn to more than one inventive concept (as defined by PCT Rule 13), and accordingly, a restriction is required according to the provision of PCT Rule 13.2

PCT Rule 13.2 states that the international application shall relate to one invention only or to a group of inventions so linked as to form a general inventive concept (requirement of unity of invention).

PCT Rule 13.2 states that unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features.

Annex B, Part I(b), provides that "special technical features" mean those technical features, which, as a whole, define a contribution over the prior art.

Annex B, Part I(e), provides combinations of different categories of claims and states:

"The method for determining unity of invention under Rule 13 shall be construed as permitting, in particular, the inclusion of any one of the following combinations of claims of different categories in the same international application:.

(i) in addition to an independent claim for a given product, an independent

Art Unit: 1795

claim for a process specially adapted for the manufacture of the said product, and an independent claim for a use of the said product, or
(ii) in addition to an independent claim for a given process, an independent claim for an apparatus or means specifically designed for carrying out the said process, or
(iii) in addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product, and an independent claim for an apparatus or means specifically designed for carrying out the said process "

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-12 and 17-19, drawn to developing steps using "supplying a chemical...".

Group II, claims 13-14, drawn to another developing steps using "mixing the developing solution...". The invention is not so linked as to form a single general concept under PCT Rule 13.1 since the processing steps are distinct or not so linked with the invention of Group I above to be not patentability distinct or different. Applicants may and should disagree, show or provide an evidence to the contrary and state on and for the record that they are so linked and stand or fall together. Therefore, no separate consideration or search requested and required for the second group of claims 13-14.

Group III, claim(s) 4-6, drawn to another developing steps using "during a rinsing process...". The invention is not so linked as to form a single general concept under PCT Rule 13.1 since the processing steps are distinct or not so linked with any one of the inventions of Group I and Group II above to be not patentability distinct or different. Applicants may and should disagree, show or provide an evidence to the contrary and state on and for the record that they are so linked and stand or fall together. Therefore, no separate consideration or search requested and required for the second group of claims 13-14 and third group of claims 15-16.

Group IV, claim 20-27 and 36, drawn a developing apparatus comprising "a developing solution nozzle...a rinsing nozzle...".

Art Unit: 1795

Group V, claim 28-30 and 34-35, drawn to another developing apparatus comprising a combined developing solution and chemical liquid supplying "nozzle configured to mix...". The invention is not so linked as to form a single general concept under PCT Rule 13.1 since the element structures are distinct or not so linked with the invention of Group IV above to be not patentability distinct or different. Applicants may and should disagree, show or provide an evidence to the contrary and state on and for the record that they are so linked and stand or fall together. Therefore, no separate consideration or search requested and required for the fifth group of claims 28-30 and 34-35 .

Group VI, claims 31 and 37-38 drawn to another developing apparatus comprising a combined rising liquid and chemical liquid supplying "nozzle configured to mix...". The invention is not so linked as to form a single general concept under PCT Rule 13.1 since the element structures are distinct or not so linked with the any one of the inventions of Group IV and group V above to be not patentability distinct or different. Applicants may and should disagree, show or provide an evidence to the contrary and state on and for the record that they are so linked and stand or fall together. Therefore, no separate consideration or search requested and required for the fifth group of claims 28-30 and 34-35 and the sixth group of claims 31 and 37-38.

The inventions listed as Groups (I-III) and (IV-VI) and do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical feature for the following reasons:

The developing steps in inventions of Groups (I-III) do not contain each of all element structures in inventions of Groups (IV-VI) in order to be so linked as in common as the same "special technical feature".

Applicants may and should disagree and state on and for the record that the above inventions are so linked that they stand or fall together. Accordingly, no separate consideration or search is requested and required.

B. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

C. Other issues have not been considered until a timely and proper election is made and resolved.

D. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 571-272-1332.

The examiner can normally be reached from 6:30 AM to 4:30 PM on Monday through Thursday and about the same time of most Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526.

Applicants may file a paper by (1) fax with a central facsimile receiving number 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/578,611

Page 7

Art Unit: 1795

Hoa V. Le
Primary Examiner
Art Unit 1752

HVL
12 October 2007

HOA VAN LE
PRIMARY EXAMINER
Hoa Van Le